

NOVEMBER 10, 2015
COMMITTEE OF THE WHOLE MEETING @ 6 P.M.

- A. Call to Order
- B. Roll Call
- C. Approval of Committee of the Whole meeting minutes of October 6, 2015
- D. Approval of Committee of the Whole meeting minutes of October 13, 2015
- E. Persons having business before Council (2 minute limit)
- F. Council Comments
- G. Discussion on House Bill 5 (Second Reading of Ordinance No. 2015-6)
- H. Resolution for First Energy lot consolidation/split on Route 8 next to N.P.K., 2.65 acres (175' x 660')
- I. Community Reinvestment Area discussion
- J. Resolution to negate 2008 job creation agreement with NPK Construction
- K. Discussion on scavenger ordinance (Second Reading of Ordinance 2015-5)
- L. Final update on 2015 budget
- M. Draft proposal of 2016 budget
- N. Resolution for consolidating all road debt
- O. Discussion on ordinance to allow chickens to be kept on Village lots
- P. Resolution in support of the "Lights Out for Hunger" program
- Q. Other business
- R. Adjournment

The Village of Walton Hills

Committee of the Whole Meeting

Date: October 6, 2015

Time: 6:01 p.m.

Location of Meeting: Council Chambers

Mayor Hurst called the meeting to order. The roll call was taken by Katie Iaconis. Present: Councilpersons Denny Linville, Mary Brenner-Miller, Paul Rich, Gloria Terlosky, and Brian Spitznagel. Absent: Councilman Don Kolograf. Administration present: Katie Iaconis, Assistant Fiscal Officer; Blair Melling, Law Solicitor.

Action Taken and/or Recommendations: Councilman Rich motioned to approve the absence of Council President Don Kolograf, seconded by Councilman Linville and five ayes approved. Councilman Linville motioned to approve the Committee of the Whole meeting minutes of September 1, 2015, seconded by Councilman Rich and five ayes approved. Councilwoman Brenner-Miller motioned to approve the Committee of the Whole meeting minutes of September 8, 2015, seconded by Councilwoman Terlosky. Councilman Spitznagel explained that despite his late arrival at 6:09 p.m. on September 8th, he was advised by legal counsel that it would still be appropriate to approve the minutes of that meeting. Councilman Rich stated he wanted to attend the October 9th Natural Resource meeting as indicated in the September 8th meeting minutes, but he was not able to attend. Vote taken, five ayes approved.

Persons Having Business Before Council – None

Council Comments – Councilwoman Brenner-Miller announced that the Bedford Historical Society will have a fundraiser on October 15th. Councilman Rich expressed his appreciation to whoever set up the fall decorations in the village. Councilwoman Terlosky reported that the Benevolent Fundraiser brought in \$1,122 through ticket sales and donations. Councilman Spitznagel expressed his support for the new recycling containers. He also noted that he advised an elderly resident that they could receive a smaller trash cart in place of the larger one.

Councilman Rich motioned to go into Executive Session to discuss personnel, pending litigation, purchase or sale of real estate and economic development, seconded by Councilwoman Brenner-Miller, and five ayes approved. Mayor Hurst and Council went into Executive Session at 6:13 p.m. and returned at 8:12 p.m. Councilman Linville motioned to reconvene from Executive Session, seconded by Councilman Rich and five ayes approved.

Other Business – Mayor Hurst announced that a public meeting will be held prior to the C.O.W. meeting on October 13th to discuss the federal development block grant.

Councilwoman Brenner-Miller motioned to adjourn the meeting, seconded by Councilman Linville and five ayes approved. The meeting adjourned at 8:13 p.m.



Katie Iaconis, Assistant Fiscal Officer

The Village of Walton Hills

Committee of the Whole Meeting

Date: October 13, 2015

Time: 6:00 p.m.

Location of Meeting: Council Chambers

Mayor Hurst called the meeting to order. The roll call was taken by Katie Iaconis. Present: Councilpersons Denny Linville, Mary Brenner-Miller, Paul Rich, Gloria Terlosky, Don Kolograf and Brian Spitznagel. Administration present: Katie Iaconis, Assistant Fiscal Officer; Blair Melling, Law Solicitor; Vic Nogalo, Fiscal Officer.

Action Taken and/or Recommendations:

Persons Having Business Before Council – None

Council Comments – Mayor Hurst explained that the departmental reports and a draft resolution for the shared services agreement with Parma Heights were distributed to Council. Councilwoman Brenner-Miller reviewed upcoming recreation events. She reported that the Benevolent Fund event generated \$1,122 and the hayride was cancelled due to poor weather conditions.

Discussion on House Bill 5 – Vic Nogalo explained that the state amended ORC Chapter 718 regarding municipal tax laws to create uniformity amongst all of the communities. He indicated that the village will have two sections in its codification for tax laws; Chapter 890 which currently exists will address taxable years 2015 and earlier and the new Chapter 891 will address taxable years 2016 and after. He explained that he met many times with tax administrators from several cities and they came up with the new Chapter 891. He reviewed the changes that were made to Chapter 890 regarding the definition of Board of Tax Review and the taxing of lottery winnings over \$10,000.

Terry Seeberger, lawyer and solicitor for Navarre, Ohio, reviewed some of the changes found in Chapter 891. He noted that the section on definitions will be four to five times longer and he reviewed some of the new definitions. He also pointed out that the new tax ordinance should protect the village's right to receive income taxes from the JEDD and the definition section should state that the village includes the JEDD for purposes of the ordinance. He strongly urged Council to have the municipal income tax ordinance in place no later than November. He answered questions from Council members.

Resolution for Shared Services Agreement Between Parma Heights and Walton Hills - Councilwoman Terlosky motioned that Item F (Resolution for shared services agreement between Parma Heights and Walton Hills) and I (Revised Ordinance 260) be moved to K (Executive Session to discuss personnel), seconded by Councilman Kolograf and six ayes approved.

Resolution for a Settlement with Marie Santoli – Councilman Spitznagel suggested that this resolution be read in its entirety at the Council meeting so anybody with questions can know exactly what it is and why it is being done. Councilman Linville agreed. Mayor Hurst indicated that this resolution will be placed on the next regular council meeting agenda. He then provided a history of the law suit and stressed that the village admits no wrong doing.

Ordinance to Regulate Scavenging - Mayor Hurst explained that this ordinance was put together because one or two residents go through trash in the village and there is nothing on the books to prohibit this. He noted that the enforcement would begin with a written warning. He indicated that this ordinance would be placed on the next Council meeting agenda for First Reading and will be discussed at the C.O. W. meeting in November.

Resolution to Apply for a Community Development Block Grant for \$150,000 – Mayor Hurst explained that this resolution would be placed on the next Council meeting agenda for suspension, and the deadline is October 30th to submit all the required information.

Councilman Rich motion to go into Executive Session to discuss personnel, seconded by Councilman Spitznagel, and six ayes approved. Mayor Hurst and Council adjourned to Executive Session at 7:00 p.m. and returned at 9:01 p.m. Councilman Rich motioned to reconvene from Executive Session, seconded by Councilman Linville, and six ayes approved.

Other Business – Mayor Hurst reviewed the items on the next Council meeting agenda.

Councilman Linville motioned to adjourn the meeting, seconded by Councilwoman Brenner-Miller and six ayes approved. The meeting adjourned at 9:02 p.m.



Katie Iaconis, Assistant Fiscal Officer

VILLAGE OF WALTON HILLS, OHIO

ORDINANCE NO. 2015-6

INTRODUCED BY: COUNCILPERSON

AN ORDINANCE TO AMEND CHAPTER 890 AND CREATE CHAPTER 891 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WALTON HILLS REGARDING MUNICIPAL INCOME TAX AND DECLARING AN EMERGENCY.

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVII, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government," and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and

WHEREAS, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipalities power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that "laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes;" and

WHEREAS, the General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio; and

WHEREAS, more specifically, the General Assembly enacted H. B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax is "levied in accordance with the provisions and limitations specified in [Chapter 718];" and

WHEREAS, upon a detailed review of H. B. 5 and the Codified Ordinances of the Village of Walton Hills, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and

WHEREAS, Council also finds and determines that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be "levied in accordance with the provisions and limitations specified in [Chapter 718]" and thus reluctantly are adopted by this Council but are disclaimed to the extent they are unlawful or unconstitutional;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WALTON HILLS, STATE OF OHIO, THAT:

SECTION 1. Chapter 890 of the Codified Ordinances is amended and Chapter 891 is created to read as set forth in the documents titled "Chapter 890, Municipal Income Tax (Pre 2016)" and Chapter 891 titled "Municipal Income Tax (2016 and thereafter)" attached hereto as Exhibit A and Exhibit B and incorporated herein by reference.

SECTION 2. The Village Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Ordinance was taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public and in compliance with the law.

SECTION 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, peace, safety and welfare for the reason for the reason stated in the preamble hereof, and provided it receives the affirmative vote of two-thirds (2/3) of the Village Council and signature of the Mayor; otherwise it shall take effect and be in force from and after January 1, 2016.

KEVIN HURST, MAYOR

PASSED: _____, 2015

ATTEST: _____

KATIE IACONIS, ASSISTANT FISCAL OFFICER

VILLAGE OF WALTON HILLS, OHIO

RESOLUTION NO. 2015-35

INTRODUCED BY COUNCILPERSON

A RESOLUTION APPROVING THE LOT CONSOLIDATION AND LOT SPLIT AT 7401 NORTHFIELD ROAD PPN 794-34-011, 794-34-012, 794-34-016, 794-34-017, 794-34-018 AND 794-34-019 CONFIRMING THE ACTION OF THE VILLAGE PLANNING COMMISSION ON OCTOBER 29, 2015 AND DECLARING AN EMERGENCY.

WHEREAS, the owner of the real property located at 7401 Northfield Road, Walton Hills, Cuyahoga County, Ohio applied to the Village Planning Commission requesting approval to consolidate and split said parcel; and

WHEREAS, the Village Planning Commission approved said application at a public meeting on October 29, 2015; and

WHEREAS, the Village Engineer has reviewed all plans, surveys, legal descriptions and Mylars regarding the lot consolidation and lot split and is prepared to have the same submitted to Cuyahoga County for recording; and

WHEREAS, this Council deems it to be in the best interest of the Village to approve said lot consolidation and lot split.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF WALTON HILLS, STATE OF OHIO:

SECTION 1. That the lot consolidation and lot split for the parcel located at 7401 Northfield Road, Walton Hills, Cuyahoga County, Ohio, PPN 794-34-011, 794-34-012, 794-34-016, 794-34-017, 794-34-018 and 794-34-019, as presented to and approved by the Planning Commission of Walton Hills Village on October 29, 2015, be and is hereby approved, subject to the approval of the Village Engineer of all documents to be filed with the Cuyahoga County Recorder's office.

SECTION 2. The Council finds and determines that all formal action of this Council concerning and relating to the adoption of this resolution was taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public and in compliance with the law.

SECTION 3. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, peace, safety and welfare so as not to delay the filing of records with the County Recorder's office; wherefore this resolution shall take effect and be in force upon receiving the affirmative vote of two-thirds (2/3) of the Village Council and signature of the Mayor, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

KEVIN HURST, MAYOR

PASSED: _____, 2015

ATTEST: _____

KATIE IACONIS, ASSISTANT FISCAL OFFICER



Village of Walton Hills, Ohio

Kevin Hurst – Mayor/Safety Director/Economic Development Director

November 5, 2015

Mr. Dan Tyrell
NPK Construction Equipment, Inc
7550 Independence Drive
Walton Hills, Ohio 44146

Dear Mr. Tyrell:

The Village of Walton Hills (The "Village") values your presence in the community and is excited to hear about your desire to expand. The purpose of this letter is to address and put to rest the 2008 tax credit agreement between the Village and NPK Construction Equipment, Inc.

The Village realizes the economic downturn that the business environment endured several years after the tax credit agreement was consummated. According to Section 4 of the contract dated August 8, 2008, the Village could have terminated the agreement based on the target levels established in Sections 2 and 3 of the agreement.

Based on the fact that there remains one full year (2015) left on the agreement, the Village finds that no amounts are and will be due to NPK per the agreement.

We are looking forward to meeting with you relating to the new proposed expansion. Please feel free to contact me at the Village of Walton Hills (440) 735-5028 if you have any questions relating to the 2008 agreement.

Sincerely,

Vic J. Nogalo

VILLAGE OF WALTON HILLS, OHIO

RESOLUTION NO. 2008-19

INTRODUCED BY COUNCILPERSON ALLEN

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH NPK CONSTRUCTION EQUIPMENT FOR A JOB
CREATION INCENTIVE GRANT AND DECLARING AN EMERGENCY**

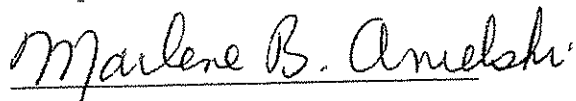
WHEREAS, the legislative authority of the Village of Walton Hills has determined it is in the best interest of the village to provide job creation incentives by way of grants to maintain the Village of Walton Hills as a competitive site for the location of new businesses and the expansion of existing businesses; and

WHEREAS, the legislative authority of the Village of Walton Hills has determined it is in the best interest of the Village of Walton Hills to enter into an agreement with NPK Construction Equipment for a job creation incentive grant

**NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATIVE AUTHORITY OF
THE VILLAGE OF WALTON HILLS, STATE OF OHIO, THAT:**

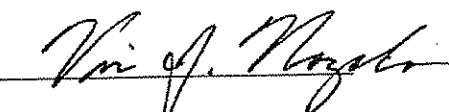
SECTION 1. The Mayor be and she is hereby and herein authorized and directed to enter into an agreement with NPK Construction Equipment for a job creation incentive grant as delineated in Exhibit "1" attached hereto and made a part hereof as if fully rewritten herein.

SECTION 2. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, peace, safety and welfare for the reason stated in the preamble hereof, and provided it receives the affirmative vote of five or more members of the legislative authority and signature of the mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.



MARLENE B. ANIELSKI, MAYOR

PASSED: July 1, 2008

ATTEST: 
VIC J. NOGALO, CLERK

D Pinkert

Proj. Scenario 2 - Abatement 100% 2 yrs; 75% 1 yr; 25% 4 yrs												
Walton Hills Tax				Walton Hills New Tax- Benefit			Walton Hills Total Tax			NPK Benefit		
Year	Payroll	Net Profit	Total	Payroll	Net Profit	Total	Payroll	Net Profit	Total	Payroll	Net Profit	Total
2009	\$75,494	\$63,381	\$138,875	\$0	\$0	\$0	\$75,494	\$63,381	\$138,875	\$32,811	\$20,969	\$53,779
2010	\$77,759	\$65,282	\$143,041	\$0	\$0	\$0	\$77,759	\$65,282	\$143,041	\$33,795	\$21,598	\$55,393
2011	\$80,091	\$67,241	\$147,332	\$8,702	\$5,561	\$14,264	\$88,794	\$72,802	\$161,596	\$26,107	\$16,684	\$42,791
2012	\$82,494	\$69,258	\$151,752	\$26,890	\$17,185	\$44,075	\$109,384	\$86,443	\$195,827	\$8,963	\$5,728	\$14,692
2013	\$84,969	\$71,336	\$156,305	\$27,696	\$17,700	\$45,397	\$112,665	\$89,036	\$201,702	\$9,232	\$5,900	\$15,132
2014	\$87,518	\$73,476	\$160,994	\$28,527	\$18,231	\$46,759	\$116,045	\$91,707	\$207,753	\$9,509	\$6,077	\$15,586
2015	\$90,144	\$75,680	\$165,824	\$29,383	\$18,778	\$48,161	\$119,527	\$94,459	\$213,985	\$9,794	\$6,259	\$16,054
Seven Year Total	\$578,469	\$485,655	\$1,064,124	\$121,199	\$77,456	\$198,655	\$699,668	\$563,111	\$1,262,779	\$130,211	\$83,216	\$213,427

VILLAGE OF WALTON HILLS
Job Creation Incentive Grant Program

1. Applicant

Company Name: NPK Construction Equipment
Address: 7550 Independence Drive, Walton Hills, Ohio 44146
Contact Name: Dan Tyrrell, President
Telephone: 440-232-7900
E-Mail: dant@npkce.com

2. Company Information

Business Formation: _____
Business Type: Manufacturing (Construction Equipment)
Principle Products/Services: Construction Equipment

Date Established: 1985
Owners: _____

3. Proposed Project:

Project Location: 7515 Northfield Drive Walton Hills, Ohio 44146
Project Description: NPK presently has four facilities in North East Ohio.
The company would like to consolidate their operations to one facility and are considering several different sites. In regard to Walton Hills, the company is conducting their due diligence on the purchase of an adjacent property to their existing facility.

4. Estimated Project Investment

Machinery & Equipment:	_____
Inventory:	_____
Land and Building:	<u>\$2,425,000</u>
Building Renovations:	<u>\$925,000</u>
TOTAL INVESTMENT:	<u>\$3,350,000</u>

5. Jobs & Payroll Information

Current Number of Jobs:	39 in Wickliffe, 55 in Walton Hills
Most Current Years Annual Payroll:	<u>\$1,592,747 Wickliffe,</u> <u>\$3,664,793 Walton Hills</u>
Estimated New Jobs:	<u>39 moving from Wickliffe</u>
Estimated New Annual Payroll:	<u>\$1,600,000</u>
Most Current Year Tax Payments to Walton Hills:	
Personal Income Tax:	<u>2008 - \$32,170</u>
Corporate Income Tax:	<u>2006 - \$42,922</u>

6. Project Financing

Name of Bank Financing the Project:	Key Bank
Contact Person:	Mike Blake
Phone:	_____
Federal, State, or Local Financing / List Agency and Amount	
Agency: _____	Amount: _____
Agency: _____	Amount: _____

7. Project Validation

Please state reasons why jobs may be lost or company may leave Walton Hills. If moving to Walton Hills, please state reasons why company needs incentives to finalize decision.

Based on the continued growth of our company, NPK has outgrown our current production facilities. The competitiveness in our market and industry is at all time highs. The cost of our materials, especially steel has increased significantly in the last year. NPK must control our costs in all areas, including transportation and local tax costs. As many of our competitors have moved manufacturing to offshore facilities, NPK has fought to not only maintain a U.S. presence, but also an Ohio and Walton Hills presence. Our ability to maintain our costs and remain competitive with the overseas manufacturing companies has allowed us to increase our local employment by 22 employees in the last 4 years.

One option is to move the 2 Wickliffe operations to 7515 Northfield Road, which adjoins the property of the 2 NPK facilities in Walton Hills. In order for NPK to move into the Northfield road property, there are major renovations to the interior and exterior. Incentive dollars will be used to update and beautify this 37 year old building. New windows and landscaping in certain areas, exterior painting and foundation repairs, major improvements to the parking lot including the drainage system. These dollars will also be used to offset the cost of new equipment purchases as well as the cost to transfer existing machinery from our plant in Wickliffe. These dollars will be used to acquire new employees based on the premise that roughly 15-20 percent of our workforce will not make the move from Wickliffe to Walton Hills. This option will bring approximately 39 additional jobs to Walton Hills. This will equate to total tax amount paid to the Village of Walton Hills in excess of \$210,000 in annual revenue, in addition to over \$600,000 in increased property value to the Northfield Road property.

The other option is to move all 4 facilities into a single building. If NPK chooses to move to a single building outside of Walton Hills, Walton Hills will loose 55 current jobs.

8. Submission Acknowledgements:

As an authorized agent of the applicant company, I hereby submit this application. I understand that any false statements in this application may subject the Applicant Company and signer to criminal prosecution. I also understand that additional information may be required to complete the application. By signing this application, I am authorizing the financing agencies to provide the Village of Walton Hills, on a confidential basis, with any information as part if the funding package.

I hereby certify that information on job creation or retention and payroll will be provided to the Village of Walton Hills on an annual basis throughout the term of the grant award.

I hereby certify that NPK Construction Equipment Inc., is current on all taxes, assessments, and Revolving Loan Fund payments (if Applicable) and will remain so during the term of the Agreement.

Don Syvill
Signature

President
Title

6/17/08
Date

VILLAGE OF WALTON HILLS INCENTIVE GRANT

This agreement made and entered into by and between the Village of Walton Hills, Ohio, a municipal corporation, with its main offices located at 7595 Walton Road, Walton Hills, Ohio 44146 (hereinafter referred to as "Walton Hills"), and NPK Construction Equipment with its main offices located at 7550 Independence Drive (hereinafter referred to as "NPK").

WITNESSETH:

WHEREAS, the Village of Walton Hills has encouraged the development of real property and the acquisition of personal property located in the Village's Industrial Districts; and

WHEREAS, NPK is desirous of undertaking a project which will create employment opportunities (as further described in Section 1 and hereinafter referred to as the "PROJECT") within the Village of Walton Hills, provided that the appropriate development incentives are available to support the economic viability of said PROJECT; and

WHEREAS, the Village of Walton Hills, having the appropriate authority for the stated type of project, is desirous of providing NPK with incentives available for the development of the PROJECT consistent with the purposes of Section 13 of Article VIII of the Ohio Constitution to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State; and

WHEREAS, the Mayor, Marlene B. Anielski, of the Village of Walton Hills has investigated the request of NPK and has recommended the same to the Village Council of the Village of Walton Hills on the basis that NPK is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the Village of Walton Hills; and

WHEREAS, the parties hereto desire to set forth their agreement with respect to matters hereinafter contained.

NOW THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows (provided that any obligation of the Village of Walton Hills created by or arising out of this agreement shall not be a general debt on its part nor give rise to any pecuniary liability of the Village of Walton Hills but shall be payable solely from Non-Tax Revenues as defined in Section 3 below):

1. NPK shall purchase and/or install machinery & equipment and furniture & fixtures described in EXHIBIT A, or like items similar in value, at 7515 Northfield Rd or other location as the parties may agree in the Village of Walton Hills, Ohio, for the duration of the agreement.

The PROJECT shall involve a total initial investment by NPK of approximately \$3,350,000 (three million three hundred fifty thousand dollars) plus or minus 10% at 7515 Northfield Rd also known as Permanent Parcel No. 794-34-013. Included in this investment are approximately \$2,425,000 (two million four hundred twenty-five thousand dollars) for land and building and approximately \$925,000 (nine hundred twenty-five thousand dollars) for upgrades.

The PROJECT TERM shall begin on or about August 1, 2008 and all building improvements shall be completed and machinery & equipment and furniture & fixtures installed by December 31, 2008.

2. NPK shall create from the Project, average annual payroll withholding and net profit taxes of at least \$20,001 (twenty thousand and one dollars).

3. The Village of Walton Hills shall pay NPK as a grant from Village Non-Tax Revenues a sum equal to a percentage of the Village of Walton Hills annual increased payroll withholding and increased net profit taxes from NPK as follows:

100 % of increased payroll withholding and increased net profit taxes for each calendar year 2009 and 2010; 75% of increased payroll withholding and increased net profit taxes for calendar year 2011; and 25% of increased payroll withholding and increased net profit taxes for calendar years 2012, 2013, 2014 and 2105. Said grant shall be paid to NPK on an annual basis on or before June 30th of the succeeding year for the preceding calendar year in which payroll withholding and net profit taxes were paid and received.

"Non-Tax Revenues" as used in this agreement means all monies of the Village of Walton Hills which are not monies raised by taxation, to the extent available for the purpose of making the annual payments required hereunder, including, but not limited to the following: (a) grants from the United States of America and the State; (b) payments in lieu of taxes now or hereafter authorized by State statute to the extent not pledged to pay debt charges on Village indebtedness; (c) fines and forfeitures which are deposited in the Village's General Fund; (d) fees deposited in the Village's General Fund for services provided and from properly imposed licenses and permits; (e) investment earnings on the Village's General Fund; (f) investment earnings on other funds of the Village that are credited to the Village's General Fund; (g) proceeds from the sale of assets which are deposited in the Village's General Fund; (h) gifts and donations; and (i) all rental payments which are deposited in the Village's General Fund.

Nothing herein shall be construed as requiring the Village to use or apply to the payment of annual payments due hereunder any funds or revenues from any source other than Non-Tax Revenues; provided, however, that nothing herein shall be deemed to prohibit the Village of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this agreement.

4. If NPK fails to achieve and then maintain the minimum monthly payroll amounts pursuant to Section 2, or if NPK materially fails to fulfill any other obligation under this

agreement, the Village of Walton Hills shall give written notice of such failure to NPK. NPK then shall have the opportunity to cure such default within a 120-day period. If such default is not cured within such 120 day period, the Village may terminate or abate the grant otherwise payable pursuant to this agreement relative to the period of time for which a default is proven. Walton Hills shall notify NPK of any potential default relative to minimum monthly payroll requirements within six months of the close of the calendar year for any payments required pursuant to this agreement for said year or its right to terminate or abate for failure to maintain minimum monthly payroll amounts for that calendar year is waived.

5. NPK shall maintain a membership in the Cuyahoga Valley Area Chamber of Commerce.

6. By executing this agreement, NPK commits to not discriminate in hiring on the basis of race, religion, sex, disability, color, national origin, or ancestry.

7. This agreement is not transferable or assignable without the express, legislative approval of the Village of Walton Hills provided; however, NPK may assign any or all of its rights, interests or obligations hereunder in connection with any sale of NPK or substantially all of the assets of NPK.

8. This agreement is binding upon NPK and its successors or assigns.

9. The annual payments due hereunder shall be made by check payable to NPK and placed in the U.S. regular mail on or before each June 30th payment date addressed to NPK, Attention: Dan Tyrrell.

10. The Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together will constitute one and the same instrument.

11. The parties agree: (i) not to disclose the Confidential Information (as defined below) of the other party or its agents, to third parties (excluding a party's agents or representatives); (ii)

not to use the Confidential Information except for enforcement of or in furtherance of the purposes of this Agreement; and (iii) that the Confidential Information of a party is and shall remain the property of the disclosing party. Confidential Information means income tax withholding receipts used to calculate the grant pursuant to paragraph three (3), provided, however, that Confidential Information shall not include information that became known to the receiving party prior to the disclosing party's disclosure of such information to the receiving party. Nothing in this agreement shall preclude the Village of Walton Hills from releasing any information as required by law.

12. In the event of a dispute arising out of this Agreement, the parties agree to negotiate in good faith to discuss and attempt to resolve the issues which are the subject of the dispute. If the parties are unable to resolve the dispute, such dispute may be submitted, upon agreement of the parties, for arbitration for final resolution. The parties may submit for arbitration or litigation any and all confidential information necessary to support its case despite the provisions of paragraph eleven (11) herein. The arbitration shall be conducted in accordance with the Commercial Arbitration Rules of the American Arbitration Association ("AAA") and shall be held in Cleveland, Ohio. There shall be one arbitrator, and such arbitrator shall be chosen by mutual agreement of the parties in accordance with AAA rules. The findings of the arbitrator shall be final and binding on the parties and may be entered by either party in a court of proper jurisdiction located in Cleveland, Ohio for purposes of enforcement. Absent a specific agreement to arbitrate, it will be presumed that the parties have not agreed to arbitrate a dispute.

13. This agreement shall be null and void and the parties released from any liability to the other should a court of competent jurisdiction determine that the agreement is unlawful, except, however, NPK shall repay to Walton Hills all sums paid to it pursuant to this agreement by

Walton Hills should Walton Hills or any of its employees, agents or officers be required or ordered to recover the grant funds paid to NPK.

IN WITNESS WHEREOF, the Village of Walton Hills, Ohio, by Marlene B. Anielski, its Mayor, and pursuant to Resolution No. 2008-19 has caused this instrument to be executed in 3 counterparts this first day of July, 2008 and NPK Construction Equipment by Dan Tyrrell, its President, has caused this instrument to be executed on this 8th day of

August, 2008.

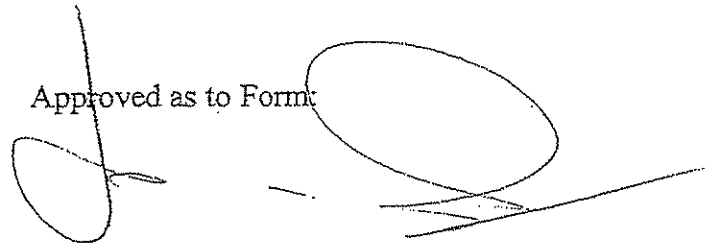
Village of Walton Hills

By: Marlene B. Anielski
Marlene B. Anielski, Mayor

NPK Construction Equipment

By: Dan Tyrrell
Dan Tyrrell, President

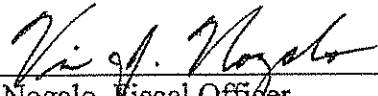
Approved as to Form:



Kevin P. Weiler, Village Solicitor

CERTIFICATE OF FISCAL OFFICER

The undersigned, fiscal officer of the Village of Walton Hills, hereby certifies that the monies required to meet the obligations of the Village for calendar year 2008 under this Agreement have been lawfully appropriated by the Council of the Village for such purposes and are in the treasury of the Village or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This Certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.



Vic J. Nogalo, Fiscal Officer
Village of Walton Hills, Ohio

VILLAGE OF WALTON HILLS, OHIO

ORDINANCE NO. 2015-5

INTRODUCED BY: COUNCILPERSON

**AN ORDINANCE ADOPTING SECTION 642.15 TO THE CODIFIED
ORDINANCES OF THE VILLAGE OF WALTON HILLS, AND
DECLARING AN EMERGENCY.**

WHEREAS, the Village has engaged in a recycling program in an effort to reduce the cost of rubbish collection within the Village; and

WHEREAS, the Village recycling program's success is directly related to the cost of the collection of solid waste within the Village; and

WHEREAS, this Council, in an effort to preserve the success of the Village recycling program and reduce the nuisance created by unregulated scavengers operating within the borders of the Village, deems it appropriate to regulate scavenging within the Village.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF
WALTON HILLS, STATE OF OHIO, THAT:**

Section 1. Section 642.15 shall be and is hereby adopted and shall read as stated in Exhibit "A" attached hereto and incorporated by reference herein.

Section 2. This Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public and in compliance with the law.

Section 3. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare so as to expedite the regulation of scavenging within the Village and immediately preserve the integrity and success of the Village recycling program, thereby insuring the continuation of cost control for the Village's collection of solid wastes; wherefore this Ordinance shall take effect and be in force upon receiving the affirmative vote of two-thirds (2/3) of the Village Council and signature of the Mayor, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

KEVIN HURST, MAYOR

PASSED: _____, 2015

ATTEST: _____

KATIE IACONIS, ASSISTANT FISCAL OFFICER

642.15 SCAVENGING PROHIBITED; EXCEPTION.

(a) No person shall scavenge or remove rubbish or recyclables stored and placed for collection from any tree lawn or collection point except from a tree lawn or collection point on his or her property. Charitable organizations such as those sponsoring or overseeing court ordered community service may scavenge such rubbish with the permission of and registration with the Police Chief upon a showing that their scavenging will not disrupt city collections or cause debris from rubbish to be strewn about and that they are bona fide charitable organizations which have programs for scavenging without nuisance. Failure to comply with these requirements shall be cause for revocation of the registration and permission.

(b) Whoever violates this section is guilty of a misdemeanor of the third degree.

PROPOSED CHICKEN CODE PROVISIONS

Draft Proposal

- A) Purpose. The regulations of this section are established to permit the keeping of chickens in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.
- B) Permit required. A Shelter Permit is required prior to any property owner in the Village acquiring and housing any chickens within the Village. The following regulations pertain to the Shelter Permit process.
- 1) Only property owners who own real property in the Country Home District of Walton Hills, Ohio, and who reside in the dwelling improvement of said parcel, are eligible for a Shelter Permit to house chicken or their parcel.
 - 2) Applications for a Shelter Permit shall be made at the Village Hall on an approved application form with the current application fee.
 - 3) The application shall be reviewed by the Village Zoning Inspector who shall also inspect the site to determine compliance with the Codified Ordinances of the Village, as well as any applicable Ohio law.
 - 4) The Zoning Inspector may require approval by the Chief Building Official for the Village as part of the application/site review process.
 - 5) Application approval and the issuance of a Shelter Permit by the Village and acceptance of the same by the property owner grants the Village, through their designee, the absolute right to inspect the permit premises, unannounced, at any reasonable time to insure compliance with the Codified Ordinances of the Village and the laws of the State of Ohio.
 - 6) The Shelter Permit shall be revoked upon the determination of the Zoning Inspector and Safety Director's determination that any of the following conditions exist at or on the Permit Premises:
 - a) a nuisance exists
 - b) any unsafe, unclean, unhealthy or unsanitary condition exists
 - c) non-compliance with any applicable Codified Ordinance
 - d) non-compliance with any applicable provision of the Ohio Revised Code
 - e) any rooster present on or at the premises
 - f) any breeding operation
 - g) any violation of the Ohio Livestock Standards
 - h) the disrepair of any coop, run, or fencing
 - I) any failure to properly maintain and/or remove urine, manure/feces of the chickens
 - j) any contamination of water supply or water run off from the permit premises
 - k) excessive noise
 - l) excessive odor
 - m. any threat to public health
 - 7) The Shelter Permit is to be renewed annually by the property owner filing a renewal application and paying the renewal fee. The Zoning Inspector shall review the renewal application and inspect the premises in the same manner and upon the same criteria as any new Shelter Permit application. The inspection of the premises can be waived if the permit premises has been inspected at any time within 90 days of the renewal effective date (ie - the anniversary date).
 - 8) Any revocation of a Shelter Permit or non-renewal requires the immediate removal of the chickens from the premises.
 - 9) No Shelter Permit shall be revoked without giving the property owner three (3) days notice to cure any and all defects or non-compliance. Said notice shall be in writing and posted at the property. The three (3) day notice to cure is waived in matters involving the public health, safety and welfare.

10) The Village has the right to remove and/or destroy any chickens on the Shelter Permit premises that:

- a) are not removed by the property owner within 72 hours of the revocation of the Shelter Permit
- b) are a threat to the public health, safety and welfare
- c) are a nuisance that remains unabated after three (3) days notice
- d) remain on the premises after the posting of a notice to cure and the lapse of three (3) days thereafter with no cure being fully implemented by the property owner
- e) no "free-range" or unconfined chickens are permitted in the Village
- f) all chickens must be confined in an approved coop and approved fenced-in area in compliance with this section and all applicable sections of the Walton Hills Codified Ordinances
- g) no cage housing for chickens is permitted in the Village
- h) no chickens housed within the Village in accordance with this section shall be used for any commercial purpose
- i) no slaughter of any chicken shall occur outside or in public view. Instead, the slaughter of any chicken shall only occur inside of a structure, away from public view.

C) Chickens. The keeping of chickens, and the erection of coops or other enclosures for the keeping of chickens, shall be governed by the following regulations.

1) Country Home District. In the Country Home District of the Village of Walton Hills, the following regulations apply:

- a) only hens and does are permitted
- b) no more than one (1) chicken per 7260 sq. ft. of parcel area. For a lot size of one (1) acre, this regulation permits six (6) hens or does. This regulation does not apply pro-rata and does not include leased parcels
- c) rooster shall not be kept in the Village. Any cockerel that crows must be removed from the Village
- d) the breeding or selling of chickens in the Village is prohibited

D) Coops and Runs. All chickens permitted on any premises within the Village shall be provided a coop for shelter and a run which shall comply with the following minimum standards:

- 1) The coop shall be a permanent structure, not exceeding 150 sq. ft. in size with a painted or stained exterior color approved by the Village Zoning Inspector. The coop shall not exceed 14' in height.
- 2) The coop shall be located in the rear yard and shall be a minimum of fifty (50) feet from any side or rear property line, and shall be at least fifty (50) feet from any dwelling or other structure on the Shelter Permit premises.
- 3) The coop shall provide adequate ventilation and light through windows covered in ½" square or less wire mesh. Ventilation windows shall be no less than 1 square foot for every 10 sq. ft. of floor space.
- 4) All coops must have proper flooring.
- 5) All coops must have adequate functioning feeders and waterers sufficient to feed and water the permitted chickens.

- 6) Each coop shall be equipped as follows:
 - a) a minimum of one (1) roosting pole per chicken; 2 inches wide; rounded edges, 10" of space per chicken side to side; 10" between poles; 30" above the floor; 18" or more from any wall; and at least 24" of head room above the perch
 - b) removable droppings tray under each roosting pole
 - c) one nesting box for every three (3) laying hens
 - d) no less than 10 sq. ft. of floor space for every chicken permitted on the Shelter Permit premises
 - 7) Each coop shall provide access to a run for the chickens attached to the coop, enclosed by fencing 5' in height and buried at least 12" into the ground, covered by aviary netting attached to the fencing. The run shall provide 10 sq. ft. per permitted chicken.
- E. Poultry Food Storage. Feed stored outside shall be stored in metal containers with tightly fitted locking or latching lids, and shall be contained (closed) at all times other than when feed is being extracted.
- F. Manure and Waste Disposal. Waste storage must be at least 50' from any side or rear property line or dwelling, and is only permitted in the rear yard of the Shelter Permit premises, and shall be disposed of in the following manner:
- 1) stored in a watertight container thrown out weekly with the trash
 - 2) composted in a manner causing no noxious odor to adjoining property owners or the general public, in accordance with all health codes and USDA guidelines
 - 3) in a manner that does not attract vermin
- G. Euthanasia. The euthanization of any sick, lame, or aged chickens shall be conducted as humanely as possible, away from public view, as set forth in Chapter 901 Ohio Livestock Care Standards except that gunshot is not permitted.
- H. Disposal of Dead Chickens. The following are the permitted methods of disposal of dead chickens:
- a) burial in a hole dug to a depth of no less than four (4) feet
 - b) wrapped and sealed in a plastic bag and placed in the owner's trash container for pickup by the Village trash disposal service at the owner/Shelter Permit holder's address
- I. Penalties. Any person failing to comply with any provision of this Chapter shall be charged with a violation of a misdemeanor of the third degree for a first offense. The second violation within any two (2) year time period shall be charged as a misdemeanor of the second degree. A third or more violation within any two (2) year time period shall be charged as a misdemeanor of the first degree.

VILLAGE OF WALTON HILLS, OHIO

RESOLUTION NO. 2015-34

INTRODUCED BY COUNCILPERSON

**A RESOLUTION IN SUPPORT OF THE "LIGHTS
OUT FOR HUNGER" PROGRAM, AND DECLARING
AN EMERGENCY.**

WHEREAS, the Village Mayor and Council are in support of the "Lights Out for Hunger" program, which raises funds to support two of our local food banks and raises awareness of the growing problem of hunger in our community; and

WHEREAS, Village residents and businesses are asked to join their community as well as Bedford, Bedford Heights and Oakwood Village and turn off their holiday lights on December 16th, and then donate their electricity savings or more to the "Lights Out for Hunger" campaign; and

WHEREAS, "Lights Out for Hunger" will run from November 25, 2015 through January 10, 2016. Funds collected from this campaign will be split between the Southeast Clergy Hunger Center at South Haven United Church of Christ and the Messiah International Ministries Food Bank in mid-January, when the need to replenish food is most urgent.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF WALTON HILLS, STATE OF OHIO, THAT:

SECTION 1. The Mayor and Council of the Village of Walton Hills are in full support of the "Lights Out for Hunger" program, recognizing that hunger is a prevalent problem in our community that cannot be ignored.

SECTION 2. This Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public and in compliance with the law.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare for the reason stated in the preamble hereof, and provided it receives the affirmative vote of two-thirds (2/3) of the Village Council and signature of the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

KEVIN HURST, MAYOR

PASSED: _____, 2015

ATTEST: _____

KATIE IACONIS, ASSISTANT FISCAL OFFICER

Council President Pro Tem Don Kolograf

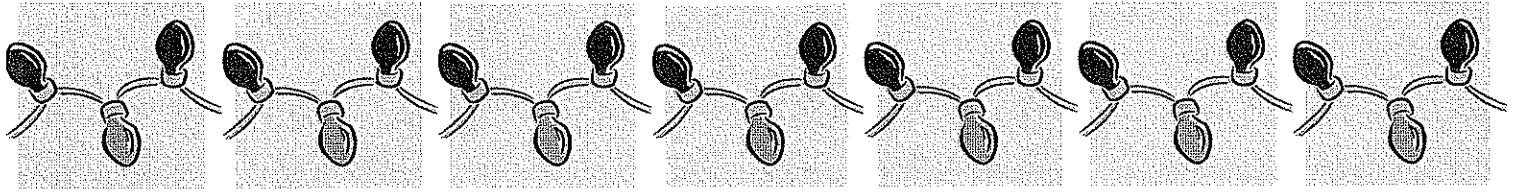
Councilman Paul Rich

Councilwoman Mary Brenner

Councilman Brian Spitznagel

Councilman Denny Linville

Councilwoman Gloria Terlosky



Dear

“Lights Out for Hunger” raises funds to support two of our local food banks and to raise awareness of the growing problem of hunger in our community. It is the vision of a local senior citizen who said, “If all the towns in America, who have holiday lighting displays, turned them off just one night and then donated the cost of the electricity from that night back to their local food bank, we could stop hunger in America.” On December 16th, 2015 only, the cities of Bedford, Bedford Hts., Walton Hills and Oakwood Village holiday lighting displays will be turned off in support of the campaign. Individuals and businesses can support the campaign both visually and financially by turning off their lights on the 16th and donating their electricity savings to the campaign.

“Lights Out for Hunger” will run from Nov. 25th 2015 - Jan. 10th 2016. Donations will be accepted any time throughout the campaign. Checks should be made out to the Southeast Clergy Council and sent to:

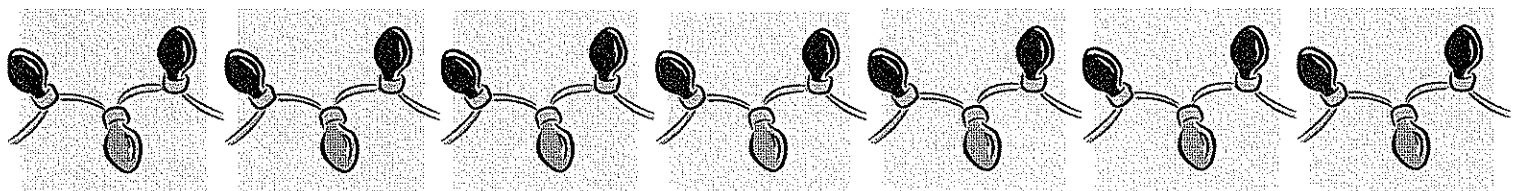
First Baptist Church of Bedford
445 Turney Rd
Bedford OH. 44146

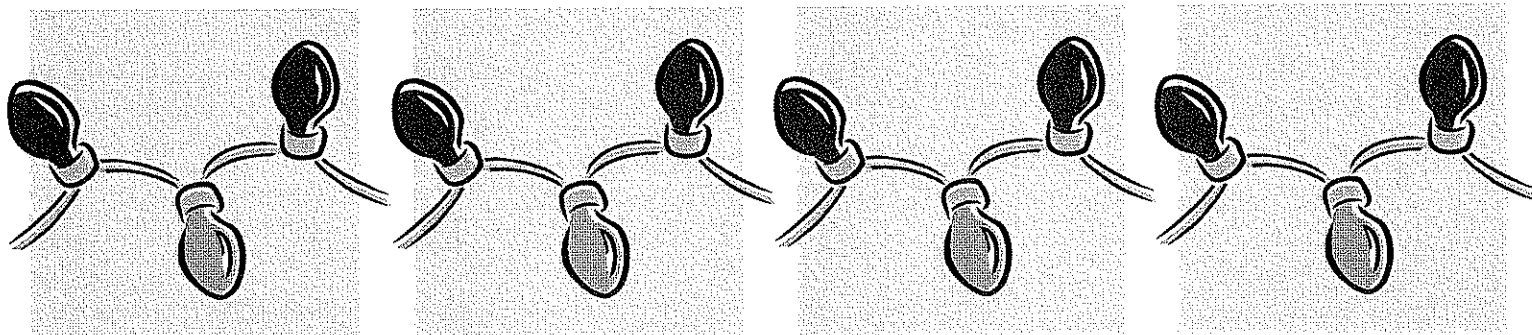
Please include “Lights Out for Hunger” in the memo section of the check. Funds collected will be split between the Southeast Clergy Hunger Center at South Haven United Church of Christ and Messiah International Ministries food bank in mid-January when the need to replenish food is most urgent. 100% of all donations go directly to the food banks and are greatly appreciated. If you have any questions, or you would like to volunteer please contact Beth at 440-439-9755, Cheryl at 440-941-1648 or find us on Facebook; “Lights Out for Hunger” or www.bedfordoh.gov.

Sincerely,

“Lights Out for Hunger” Committee

*Please feel free to copy the enclosed flyer to share with friends or hang up in your business which would help with advertising. Thank you!





“Lights Out for Hunger”

December 16th, 2015

Please join the Cities of Bedford, Bedford Hts. Walton Hills and Oakwood Village and turn off your holiday lights on December 16th, and then donate your electricity savings or more, to the “Lights Out for Hunger” campaign.

Checks should be made out to The Southeast Clergy Council and sent to:

**First Baptist Church of Bedford
445 Turney Rd.
Bedford, OH. 44146**

*** Please include “Lights Out for Hunger” in the memo section of check.**

Proceeds will go to Southeast Clergy Hunger Center and Messiah International Ministries Food Bank.

**Questions please call Beth 440-439- 9755, Cheryl 440-941-1648 or like us on Facebook
“Lights Out for Hunger”
www.bedfordoh.gov**

